

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**January 18, 2000**

At 9:29 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Sims, Associate Justice; Raye, Associate Justice; and Conrad, Bailiff. Calendar called.

**C029613      DELGADO v. COUNTY OF COLUSA**

Cause called. Michael Willemsen argued for appellant. James R. Chiosso, appeared for appellant but did not argue. Roberta L. Franklin argued for respondent. Cause submitted.

At 9:55 a.m., court recessed. At 9:59 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis, and Associate Justice Nicholson.

**C032317      LAW ENFORCEMENT MANAGER'S ASSOCIATION v. COUNTY OF  
SACRAMENTO et al.**

Cause called. Gary M. Messing appear for appellant. Timothy D. Weinland appeared for respondents. Oral argument continued. Parties directed to submit stipulation for dismissal on or before January 28, 2000, or matter will be rescheduled for oral argument.

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**The Minutes**

**January 18, 2000 continued**

At 10:01 a.m., court recessed. At 10:01 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Nicholson.

**C030134      CARMICHAEL, INC. et al. v. COUNTY OF SACRAMENTO**  
Cause called. Brendon Ishikawa argued for appellants. Elaine P. Dipietro, County Counsel, argued for respondent. Cause submitted.

At 10:35 a.m., court recessed. At 10:40 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Raye.

**C023438      ALLSTATE INSURANCE COMPANY v. MEL RAPTON INC. et al.**  
Cause called. Kenneth W. Bolinger argued for appellant. No appearance was made on behalf of respondents. Cause submitted.

At 11:09 a.m., court recessed. At 11:13 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Davis, and Associate Justice Raye.

**C031939      MADYOON v. MEDPARTNERS, INC. et al.**  
Cause called. James T. Jones argued for appellants. John H. McKinley argued for respondent. Cause submitted.

At 11:34 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis, and Associate Justice Nicholson.

**C030471      NORCAL MUTUAL INSURANCE COMPANY v. QUINTOS et al.**  
Cause called. Ronald H. Wecht argued for appellants. Joseph H. Fagundes argued for respondent. Cause submitted.

At 2:23 p.m., court adjourned until 9:30 a.m., January 19, 2000.

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**The Minutes**

**January 18, 2000 continued**

**C033326  
C033418**

**REED v. SUPERIOR COURT, SACRAMENTO (THE PEOPLE)  
(Not for Publication)**

Let a peremptory writ of mandate issue directing the superior court (1) to reverse its orders revoking defendant's pro. per. privileges, and to enter a new order revoking only defendant's pro. per. privilege of physical access to the jail law library; and (2) to reverse its order denying defendant's motion for appointment of advisory counsel, and to enter a new order granting the motion for appointment of advisory counsel. Upon finality of this opinion, the stay previously issued is vacated.

SIMS, Acting P.J.

We concur: Nicholson, J.  
Morrison, J.

**C030312**

**GOODMAN v. VIACOM INTERNATIONAL, INC., et al.  
(Not for Publication)**

The judgment is affirmed.

CALLAHAN, J.

We concur: Sims, Acting P.J.  
Davis, J.

**January 19, 2000**

At 9:32 a.m., the court met in the Library & Courts Building for a continuation of the court calendar session. Present: Scotland, Presiding Justice; Davis, Associate Justice; Callahan, Associate Justice; and Rios, Bailiff. Calendar called.

**C027280**

**TENET HEALTHSYSTEM HOSPITALS INC. v. S. KIMBERLY BELSHE,  
as Director, etc.**

Cause called. G. Mateo Munoz, Deputy Attorney General, argued for appellant with additional citations. Thomas G. Redmon argued for respondent. Matthew J. Smith appeared for respondent but did not argue. Both parties were directed to file supplemental briefs on or before February 7, 2000. The cause will be submitted upon filing the last brief or expiration of the time.

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**The Minutes**

**January 19, 2000 continued**

**C031539      SELLNER et al. v. FOLSON-CORDOVA UNIFIED, etc. et al.**  
Cause called. Linda D. Deos argued for appellants. John M. Laplante argued for respondents. Cause submitted.

At 10:34 a.m., court recessed. At 10:35 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Callahan, and Associate Justice Hull.

**C029903      MARINA v. DI DUCA CONSTRUCTION COMPANY**  
Cause called. Roland K. Iverson, Jr. argued for appellant. Stephen J. Schori appeared for appellant but did not argue. G. Geoffrey Robb argued for respondent. Joshua E. Kirsch appeared for respondent but did not argue. Cause submitted.

At 11:08 a.m., court recessed. At 11:12 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Davis, and Associate Justice Hull.

**C031433      CURRAN v. READY MORTGAGE COMPANY**  
Cause called. Louis J. Anapolsky argued for appellant. William J. Brueggemann argued for respondent. Cause Submitted.

At 11:42 a.m., court recessed until 9:30 a.m., January 20, 2000.

**C030960      In re FRANK ALBERT SPEAKS                      (Not for Publication)**  
The petition for writ of habeas corpus is granted to the extent it seeks reversal of the conviction for conspiracy to commit murder. The judgment of conviction of conspiracy to commit murder is vacated, and the defendant is remanded to the Superior Court of Modoc County. Upon finality of this decision, the clerk shall remit a certified copy of this opinion to the superior court for filing, and respondent shall serve another copy thereof on the prosecuting attorney in conformity with Penal Code section 1382, subdivision (a) (2).  
NICHOLSON, Acting P.J.  
We concur: Morrison, J.  
Kolkey, J.

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**The Minutes**

**January 19, 2000 continued**

- C029939      THE PEOPLE v. LOPEZ      (Not for Publication)**  
The judgment is reversed.  
                        BLEASE, Acting P.J.  
I concur:        Sims, J.  
I concur in Part I and, otherwise, in the result.  
                        Nicholson, J.
- C028966      THE PEOPLE v. PEREZ, JR.      (Not for Publication)**  
The judgment is affirmed.  
                        RAYE, J.  
We concur:     Blease, Acting P.J.  
                        Davis, J.
- C033610      In re SELINDA V.; DEPARTMENT OF SOCIAL SERVICES v.  
ANDREAS V.      (Not for Publication)**  
The orders of the juvenile court are affirmed.  
                        CALLAHAN, J.  
We concur:     Sims, Acting P.J.  
                        Davis, J.
- C031774      THE PEOPLE v. WILHOIT      (Not for Publication)**  
The judgment is modified in the following respects: the sentence imposed for count I is stayed, such stay to become permanent upon defendant's completion of the sentence for count II. The imposition of drug fees and assessments is modified to reflect the sum of \$135 for the drug lab fee and \$406 for the drug education program fee. As modified, the judgment is affirmed.
- The superior court shall direct the clerk furnish a certified copy of a corrected abstract to the Department of Corrections.  
                        CALLAHAN, J.  
We concur:     Scotland, P.J.  
                        Hull, J.

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**January 20, 2000**

**C033784      SHAMBLIN v. PROWEST PCM, INC.**

Appellant's petition for rehearing is granted. The dismissal order filed on December 23, 1999, is vacated.

Appellant's opening brief is to be served and filed on or before February 22, 2000.

BLEASE, Acting P.J.

**C027148      THE PEOPLE v. KING**

Appellant's petition for rehearing is granted. The decision filed on December 21, 1999, is vacated, and the cause is submitted.

DAVIS, Acting P.J.

At 9:32 a.m., the court met in the Library & Courts Building for a continuation of the court calendar session. Present: Sims, Acting Presiding Justice, Callahan, Associate Justice, Kolkey, Associate Justice; and Conrad, Bailiff. Calendar called.

**C029406      O'CONNOR v. STATE TEACHERS RETIREMENT SYSTEM**

Cause called. Robert J. O'Connor argued as appellant in pro per. Julia Y. Je, Deputy Attorney General, argued for respondents State teachers Retirement System et al. Jacqueline Rich Moore argued for respondent Los Angeles Community College. No appearance was made on behalf of respondent Los Angeles Unified School District. Cause submitted.

At 10:13 a.m., court recessed. At 10:16 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Raye, and Associate Justice Kolkey.

**C029656      THE PEOPLE v. FISCHER**

Cause called. Barry Morris argued for appellant. John G. McLean, Deputy Attorney General, argued for respondent. Cause submitted.

Court recessed at 10:50 a.m., until 9:30 a.m., January 21, 2000.

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**January 20, 2000 continued**

- C033933      LOPEZ et al. v. WILCOXEN, MONTGOMERY & HARBISON et al.**  
On the court's own motion the appeal filed October 13, 1999, is dismissed. (See Modica v. Merin (1991) 234 Cal. App. 3d 1072.)
- It is further ordered that appellants' request for judicial notice is denied as moot. The clerk of the court is directed to return material attached to the request.
- BLEASE, Acting P.J.
- C032185      THE PEOPLE v. JONES**  
Respondent's motion to dismiss the appeal is granted, and the appeal filed July 13, 1999, is dismissed.
- BLEASE, Acting P.J.
- C031908      THE PEOPLE v. SCHWARTZ                      (Not for Publication)**  
The judgment is affirmed.  
KOLKEY, J.  
We concur:    Sims, Acting P.J.  
                  Nicholson, J.
- C032204      THE PEOPLE v. FREDERICKS                      (Not for Publication)**  
The trial court's denial of custody credits is reversed. In all other respects, the judgment is affirmed. Since the record is insufficient to permit us to determine whether the defendant is entitled to presentence custody credits from June 8, 1998 or June 13, 1998 (the record does not reflect the basis for the arrest on June 8), we remand to the trial court to determine the number of custody credits and conduct credits to which defendant is entitled.
- KOLKEY, J.  
We concur:    Nicholson, Acting P.J.  
                  Callahan, J.
- C032362      THE PEOPLE v. CHAVEZ                      (Not for Publication)**  
The appeal is dismissed.  
KOLKEY, J.  
We concur:    Nicholson, Acting P.J.  
                  Callahan, J.

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**January 20, 2000 continued**

- C034285      FRED T. v. SUPERIOR COURT, BUTTE COUNTY(CHILDREN SERVICES DIVISION et al.)      (Not for Publication)**
- The petition is denied.  
SIMS, Acting P.J.  
We concur: Davis, J.  
Callahan, J.
- C032306      THE PEOPLE v. HIGGINS      (Not for Publication)**
- The judgment is affirmed.  
KOLKEY, J.  
We concur: Sims, Acting P.J.  
Nicholson, J.
- C030480      THE PEOPLE v. YOUNG      (Certified for Publication)**
- The appeal is dismissed.  
KOLKEY, J.  
We concur: Blease, Acting P.J.  
Raye, J.
- C032081      THE PEOPLE v. DORSEY      (Not for Publication)**
- The matter is remanded to the trial court to determine the appropriate level for the drug education program fee, to reduce the lab analysis fee, and the penalty assessments based thereon, to \$135, and to dismiss counts 2 and 3. If they have not already been dismissed. In all other respects, the judgment is affirmed.  
KOLKEY, J.  
We concur: Nicholson, Acting P.J.  
Callahan, J.
- C030389      THE PEOPLE v. DAVIS      (Not for Publication)**
- The judgment is affirmed.  
RAYE, J.  
We concur: Blease, Acting P.J.  
Davis, J.



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**The Minutes**

**January 21, 2000**

At 9:32 a.m., the court met in the Library & Courts Building for a continuation of court calendar session. Present: Scotland, Presiding Justice; Nicholson, Associate Justice; Kolkey, Associate Justice; and Rios, Bailiff. Calendar called.

**C027848      RICHARDS v. CH2M HILL, INC.**

Theodore A. Olsen argued for appellant. Mark H. Van Brussel appeared for appellant but did not argue. Ellen Lake argued for respondent. Cause deferred pending supplement briefing.

At 10:35 a.m., court recessed. At 10:40 a.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Callahan, and Associate Justice Kolkey.

**C032732      ROSS et al. v. MALIK**

Cause called. James J. Johnson argued for appellants. Mark D. Norcross argued for respondents. Cause submitted.

Court recessed at 11:03 a.m., until 9:30 a.m., January 24, 2000.

**C030541      In re the Marriage of McDANIEL      (Not for Publication)**

The judgment is modified by striking the \$27,765 figure added manually to the printout, for a corrected total of \$81,071. As modified, the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 26(a).)

DAVIS, J.

We concur:    Scotland, P.J.  
                    Kolkey, J.

**C031652      ROBISON v. CITY OF MANTECA      (Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

We concur:    Raye, J.  
                    Kolkey, J.